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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,978	07/22/2005	Luc Feyt	05102-PCT-PA	9260

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EXAMINER
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MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/530,978

Applicant(s)

FEYT, LUC

Examiner

Brian P. Mruk

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1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. The examiner makes of record that instant claims 2 and 3 recite a broad range of components followed by a series of narrow ranges (i.e. with the term "preferably"). For examination purposes, the examiner asserts that the narrow ranges recited in instant claims 2 and 3 are merely exemplary ranges, and thus, the prior art will be applied against the broadest ranges recited in instant claims 2 and 3. Furthermore, the examiner suggests that applicant should delete the narrow ranges from instant claims 2 and 3, and add new dependent claims that recite the narrow ranges recited in instant claims 2 and 3.

### ***Claim Objections***

3. Claims 4 and 6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, for containing the phrase "in the substantial absence of oxygen bleaches." The term "substantial absence" renders the claim vague and indefinite, since one of ordinary skill in the art would not be able to ascertain the metes and bounds of the term "substantial absence of oxygen bleaches". Furthermore, the specification does not contain guidelines describing what numerical values are encompassed by the phrase "substantial absence of oxygen bleaches". Appropriate correction and/or clarification is required.

7. Claims 2-3 and 5 are rejected under 35 U.S.C. 112, second paragraph, for being dependent upon claim 1.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al, U.S. Patent No. 4,652,403, in view of Kuzee et al, WO 99/64551.

The primary reference of May et al, U.S. Patent No. 4,652,403, discloses a laundry composition comprising 1-40% by weight of an aluminosilicate and 0.5-5% by weight of an aminopoly(methylenephosphonate) (see abstract and col. 1, lines 34-64). It is further taught by May et al that the composition further contains surfactants (see col. 2, line 65-col. 3, line 35), and that bleaches are an optional ingredient (see col. 2, lines 36-64). Specifically, note Examples 1-2, which disclose laundry detergent bases that are free of oxygen bleaches. May et al does not disclose a laundry detergent composition that contains a fructan component, as required in the instant claims.

The secondary reference of Kuzee et al, WO 99/64551, discloses a laundry detergent composition comprising a fructan polycarboxylic acid which contains on average at least 0.05 carboxyl groups per monosaccharide unit (see abstract and page 2, lines 25-36). It is further taught by Kuzee et al that the use of fructan polycarboxylic acids leads to a highly efficient, environmental-friendly removal of contaminants from textiles (see page 2, lines 1-8).

Therefore, in view of the teachings of the secondary reference of Kuzee et al, one having ordinary skill in the art would be motivated to modify the primary reference of May et al by using a fructan polycarboxylic acid to produce a laundry detergent

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composition that is highly efficient in removing contaminants and that is environmentally-friendly. Such modification would be obvious because one would expect that the use of a fructan polycarboxylic acid, as taught by Kuzee et al, would be similarly useful and applicable to the analogous laundry taught by May et al.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Mon-Thurs (7:00AM-5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPM  
Brian P Mruk  
October 22, 2006

*Brian P. Mruk*  
Brian P Mruk  
Primary Examiner  
Art Unit 1751